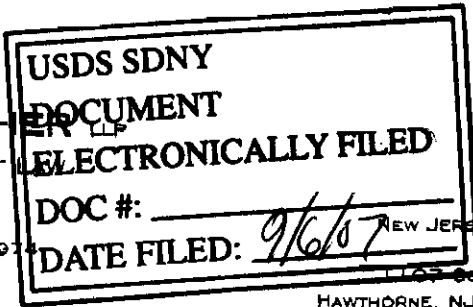


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MEMO ENDORSED

September 5, 2007

VIA FACSIMILE: 212-805-7949

Hon. P. Kevin Castel
United States District Judge
United States Courthouse
Southern District of New York
500 Pearl Street, Room 2260
New York, New York 10007

Re: Norman D. Lifton Company, Inc. v. Mercier
Wood Flooring, Inc. and Bayard Sales Corp.
S.D.N.Y., 07 Civ. 03134 (PKC)

Dear Judge Castel:

This matter is currently on for a status conference on September 7, 2007. This letter is written to request on behalf of all parties that the Court place this matter on the suspense calendar.

Since our last letter to the Court, the parties have each executed a settlement agreement and the defendants have delivered settlement checks to us. (The agreement provided that both checks were to be delivered on Friday of last week. However, Mercier's check did not arrive at our offices until yesterday, due to the international transmissions of documents. Both checks are being promptly deposited.) The settlement agreement becomes effective, and the parties will promptly file a notice of dismissal with prejudice, if the checks clear. Assuming that the checks are good (which we believe is the case), we anticipate that the notice of dismissal will be filed within two weeks at most.


*Conference adjourned
from September 7
to October 19, 2007
at 11:45 a.m.
S.O. ORDERED
with
USDS
9-5-07*

Hon. P. Kevin Castel
September 5, 2007
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Accordingly, the parties jointly request that the Court place the matter on its
suspense calendar, or, alternatively, adjourn the status conference until the morning of
September 21, 2007 (which is the eve of Yom Kippur).

Respectfully submitted,

JAFFE & ASHER LLP

By: 
Mark H. Moore

MHM/sef

cc: Mark Froelich, Esq. (via e-mail)
(Counsel for Mercier Wood Flooring, Inc.)

Stephen D. Straus, Esq. (via e-mail)
(Counsel for Mercier Wood Flooring, Inc.)

David G. Tobias, Esq. (via e-mail)
(Counsel for Bayard Sales Corp.)